

**CEQA ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION  
FOR THE COMMERCIAL MEDICINAL MARIJUANA LAND USE ORDINANCE**

**Commercial Medical Marijuana Land Use Ordinance Mitigated Negative  
Declaration  
(State Clearinghouse # 2015102005), January 2016**

**APN 221-061-001; Salmon Creek area, County of Humboldt**

**Prepared By  
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## **Background**

### **Modified Project Description and Project History –**

The Commercial Medical Marijuana Land Use Ordinance (CMMLUO) established specific regulations for commercial cannabis operations in Humboldt County. These regulations were developed in concert with the Mitigated Negative Declaration (MND) that was adopted for the ordinance to implement the mitigation measures of the MND. The MND addressed the broad environmental impacts that could be expected to occur from the adoption and implementation of the ordinance. The MND specified that the regulations established in the CMMLUO would mitigate the impacts of existing cannabis operations by establishing regulations for an existing unregulated land use to help prevent and reduce environmental impacts that are known to result from unpermitted baseline cultivation operations. Commercial cannabis cultivation in existence as of December 31, 2015, was included in the environmental baseline for the MND and the MND states that “Bringing existing operations into compliance will help to attenuate potential environmental effects from existing cultivation activities, including aesthetic impacts resulting from improper operation or poor siting.” The current project was contemplated by the MND and compliance with the provisions of the CMMLUO will fully mitigate all environmental impacts of the project to a less than significant level.

The modified project involves a Special Permit for 6,279 square feet (SF) of existing outdoor cannabis utilizing light deprivation techniques and 627 SF of ancillary nursery space, and a Special Permit to reduce the 600-foot setback to public lands. Irrigation water is sourced from rain catchment collected and stored in two ponds. Water storage in the ponds is 106,500-gal., hard tank storage is 115,500-gal., total irrigation storage is 222,000-gal. Estimated annual water usage is 136,000-gal. Processing such as drying and curing occur onsite in an existing 1,500 SF shop building, with all further processing including trimming taking place off-site at a licensed third-party processing facility. No employees are proposed, only onsite residents will operate the project. Power is provided by an existing solar system with generators as a supplemental power source.

Per review of CDFW’s California Natural Diversity Database (CNDDDB) no rare or endangered plant or animal species are mapped on the subject parcel. The project was referred to BLM on October 28, 2022 and received no comments. The nearest NSO activity center located approximately 0.75-miles away. Power at the site is provided by an existing solar system with a supplemental generator and is further conditioned to restrict generator noise to 50 decibels (dB) at 100 feet or nearest forested edge, whichever is closer. Generator use is specifically not allowed until staff is able to verify it operates at or below the 50 dB threshold. Additionally, project conditions require the applicant to transition from supplemental generator use to full solar power to support the project within two years of project approval, after which the generator may be kept on site for emergency use only. Lighting in the ancillary nursery is also disallowed until staff verifies the light can be

shielded between dusk and dawn daily, when in use. Conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species.

**Purpose** - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

### **Summary of Significant Project Effects and Mitigation Recommended**

A review of Appendix G impacts:

**Aesthetics:** The project is for 6,250 square feet (SF) of existing outdoor cannabis utilizing light deprivation techniques and 200 SF of ancillary nursery space. The project will not

significantly impact scenic vistas or public views. The project will not significantly impact scenic vistas or public views as the project will occur within an existing open area that is surrounded by forested land. The project is consistent with the agricultural visual character of the area. The project will not create a source of light or glare. Less than significant impact.

**Agriculture and Forestry Resources:** The project will utilize agricultural activity on a parcel zoned Unclassified (U), in which all general agricultural uses are principally permitted. The project will not convert prime farmland or conflict with existing zoning for agricultural use or Williamson Act contract. The project will not result in the loss of forest land or conversion of forest land to non-forest use. Less than significant impact.

**Air Quality:** No construction is proposed for the project. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. The project would not result in significant sources of greenhouse gas emissions. The project does utilize a gravel road, and traffic on gravel roads contribute to PM10, for which the North Coast Air Basin is already in non-attainment. However, there are no employees proposed for the project and a significant increase in traffic is not expected under the project. The project would not result in significant sources of greenhouse gas emissions. The use of these internal roads for this cannabis project does not represent a substantial change or additional significant impact as they have been utilized for this purpose prior to the environmental baseline established under the MND. The project will not expose sensitive receptors to pollutants or create objectionable odors affecting a substantial number of people. Less than significant impact.

**Biological Resources:** Per review of CDFW's California Natural Diversity Database (CNDDDB) no rare or endangered plant or animal species are mapped on the subject parcel. The project was referred to BLM on October 28, 2022 and received no comments. The nearest NSO activity center located approximately 0.75-miles away. Power at the site is provided by an existing solar system with a supplemental generator, and is further conditioned to restrict generator noise to 50 decibels (dB) at 100 feet or nearest forested edge, whichever is closer. Generator use is specifically not allowed until staff is able to verify it operates at or below the 50 dB threshold. Additionally, project conditions require the applicant to transition from supplemental generator use to full solar power to support the project within two years of project approval, after which the generator may be kept on site for emergency use only. Lighting in the ancillary nursery is also disallowed until staff verifies the light can be shielded between dusk and dawn daily, when in use. Conditions of approval require the applicant to implement light and noise attenuation measures, refrain from using synthetic netting, ensure refuse is contained in wildlife proof storage, and refrain from using anticoagulant rodenticides to further protect wildlife. As proposed and conditioned, the project is consistent with CMMLUO performance standards and CDFW guidance and will not negatively impact NSO or other sensitive species. Less than significant impact.

**Cultural Resources:** The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The project was referred to the Northwest Information Center (NWIC) at Sonoma State, the Bear River Band Tribal Historic Preservation Officer (THPO), and the Intertribal Sinkyone Wilderness Council in January 2020. Both NWIC and Bear River Band THPO indicated an Archaeological Survey of the site was appropriate. A subsequent Cultural Resources Investigation was performed by Archaeological Research and Supply Company in March 2020 (on file and confidential), in which no cultural resources were identified. The project will adhere to the standard inadvertent discovery protocol, as recommended in the Report, which has been incorporated into the conditions of approval. Less than significant impact.

**Energy:** Power for the project is currently provided via a solar array and a supplemental generator. Nursery space, as well as drying and curing are powered via the solar array, with the generator used to power water pumps. The applicant has proposed to transition from the existing generator powered pump to solar pumps within two years. This has been included as a recommended condition of approval. Additionally, the project has been conditioned to demonstrate conformance with noise standards prior to generator use. Less than significant impact.

**Geology and Soils:** No new structures are proposed that would expose people to risk of life from earthquakes. The project parcel is mapped in the County GIS as “high instability” (3). Cultivation areas are located in graded flats. The applicant has submitted an environmental justification to relocate cannabis from guerrilla grows to a graded flat that meets setbacks to property lines and water courses. The applicant is required to obtain grading permits for all structures and grading related to the cannabis cultivation activity, including but not limited to existing greenhouses, water tanks over 5,000 gallons, existing structures associated with drying, processing, and storage, or any activity with a nexus to cannabis, and any noise containment structures as necessary. Less than significant impact.

**Greenhouse Gas Emissions:** Power for the project is currently provided via a solar array and a supplemental generator. Nursery space, as well as drying and curing are powered via the solar array, with the generator used to power water pumps. The applicant has proposed to transition from the existing generator powered pump to solar pumps within two years. This has been included as a recommended condition of approval. Less than significant impact.

**Hazards and Hazardous Materials:** The project will store fertilizers, herbicides and fuel for use in farm equipment existing storage structures. All hazardous materials are stored in structures with impermeable floors and with secondary containment in accordance with applicable regulations. The project does not expose the public to hazards. The project is in a rural area rated as a very high fire risk area, however no significant wood framed

structures will be constructed as part of this project. The project would not impair emergency response or create a significant risk from wildfire. Less than significant impact.

**Hydrology and Water Quality:** The project is for a total of 6,250 square feet (SF) of existing outdoor cannabis utilizing light deprivation techniques and 200 SF of ancillary nursery space. All cultivation areas meet or exceed required setbacks to water courses. The project will not degrade any water sources or contribute to sedimentation. The applicant is enrolled under the State Water Resources Control Board General Order and has prepared a Water Resources Protection Plan to protect water quality. Less than significant impact.

**Land Use and Planning:** The project proposes an agricultural activity on a parcel zoned Unclassified (U). The project will not physically divide an established community or result in a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No impact.

**Mineral Resources:** No mining is proposed. The project will not result in the loss of availability of a known mineral resources that would be of value to the region and the residents of the state. The project will not result in the loss of availability of a locally important mineral resource recover site. No impact.

**Noise:** The project is located in actively managed agricultural land. The project has historically grown cannabis. Noise sources from the operation will include typical farm equipment. The applicant is proposing to dry on-site in an existing drying building. Drying would involve the use of dehumidifiers. The temporary noise impacts from these activities would not create a substantial increase in noise levels. The project is conditioned to include a maximum of 50 decibels at 100 feet or nearest clearing (whichever is closest) from all noise generating sources. The project will not result in the generation of excessive groundborne vibration or noise levels. Less than significant impact.

**Population and Housing:** The project is for outdoor cannabis cultivation utilizing light deprivation. No housing is proposed nor is any removal of housing proposed. The project will not induce substantial unplanned population growth in an area nor displace substantial numbers of existing people or housing necessitating the construction of replacement housing. The project will not use any employees used for cultivation related activities. No impact.

**Public Services:** The project utilizes a solar array and a supplemental generator for energy needs, takes access via a privately maintained road, and sources water from rain catchment ponds. The project will not increase the need for fire or law enforcement services. The project is not within 600 feet of a park or a school. No impact.

**Recreation:** The project site is private property and contains no recreational facilities nor are recreational facilities accessed through the property. No impact.

**Transportation:** There will not be any employees used for cultivation related activities under the project. The project is accessed via a private road network, and the applicant has been conditioned to join or form a Road Maintenance Association for the ongoing use and maintenance of the access road system. No increase in traffic as a result of project approval is anticipated. Less than significant impact.

**Tribal Cultural Resources:** The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The project was referred to the Northwest Information Center (NWIC) at Sonoma State, the Bear River Band Tribal Historic Preservation Officer (THPO), and the Intertribal Sinkyone Wilderness Council in January 2020. Both NWIC and Bear River Band THPO indicated an Archaeological Survey of the site was appropriate. A subsequent Cultural Resources Investigation was performed by Archaeological Research and Supply Company in March 2020 (on file and confidential), in which no cultural resources were identified. The project will adhere to the standard inadvertent discovery protocol, as recommended in the Report, which has been incorporated into the conditions of approval. Less than significant impact.

**Utilities and Service Systems:** All cultivated related waste will be stored in watertight trash containers in a storage shed and disposed of weekly. The project will only dry and cure onsite and all other processing will be performed by a licensed 3<sup>rd</sup> party processing company. Water for propagation and cultivation is sourced from two rainwater catchment ponds. Less than significant impact.

**Wildfire:** The project will not interfere with any evacuation plan. There will be no significant new structures that will increase the risk of wildfire. Less than significant impact.

No changes are proposed for the original MND recommended mitigations. The proposal to authorize the continued operation of an existing cannabis cultivation site consisting of 6,250 square feet of cultivation with ancillary propagation and processing activities is fully consistent with the impacts identified and adequately mitigated in the original MND. The project as conditioned to implement responsible agency recommendations, results in no significantly adverse environmental effects beyond those identified in the MND. Compliance with the CMMLUO ensures consistency with the adopted MND and provides for mitigation of all project related impacts to a less than significant level.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents:

- Site Plot Plan.

- Cultivation and Operations Plan.
- California Department of Fish and Wildlife (CDFW), Streambed Alteration Agreement (SAA) Signed 12/30/2021).
- Water Resources Protection Plan prepared by Timberland Resource Consulting, dated 12/24/2017, prepared for the State Water Resource Control Board (SWRCB) and North Coast Regional Water Quality Control Board (NCRWQCB).
- Timber Conversion and Restocking Plan prepared by Timberland Resource Consultants, dated October 22, 2018.
- Road Evaluation Report form prepared by the applicant, included photos of the access road and driveway.
- Report Quantifying Historic Cannabis Cultivation, prepared by Archaeological Research and Supply Company, received February 19, 2019.
- Environmental Superiority and Relocation Justification prepared by Timberland Resource Consultants, dated March 21, 2018.
- Cultural Resources Investigation, prepared by Archaeological Research and Supply Company, dated March, 2020.
- Road Evaluation for Thomas Road and Upper Samuels Ranch Loop Road, prepared by Omsberg and Preston, dated ay 26, 2023.

### **Other CEQA Considerations**

Staff suggests no changes for the revised project.

### **EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT**

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted.

### **Project impact analysis of conformance to the Mitigated Negative Declaration Substituted Mitigation Monitoring and Reporting Program**

Mitigation Measure 1: Required setback from tribal cultural resources and tribal consultation process (55.4.10(o) and 55.4.10(c)).

- The project is within the historic aboriginal territory of the Bear River Band of the Rohnerville Rancheria and the Intertribal Sinkyone Wilderness Council. The project was referred to the Northwest Information Center (NWIC) at Sonoma State, the Bear River Band Tribal Historic Preservation Officer (THPO), and the Intertribal

Sinkyone Wilderness Council in January 2020. Both NWIC and Bear River Band THPO indicated an Archaeological Survey of the site was appropriate. A subsequent Cultural Resources Investigation was performed by Archaeological Research and Supply Company in March 2020 (on file and confidential), in which no cultural resources were identified. The project will adhere to the standard inadvertent discovery protocol, as recommended in the Report, which has been incorporated into the conditions of approval.

Mitigation Measure 2: Curing violations of state, county code (55.4.11(a)).

- The project is for existing cultivation and project approval includes a compliance agreement to cure unresolved violations of state or county code.

Mitigation Measure 3: Retirement, Remediation, and Relocation Program (55.4.14)

- The project is not participating in the Retirement, Remediation, and Relocation program; therefore, this mitigation measure does not apply.

Mitigation Measure 4: Use of fertilizer, pesticide, fungicide, rodenticide, or herbicide (55.4.11(j)).

- The project operations plan describes measures that will be taken to properly store and handle hazardous materials. Compliance with the operations plan is a condition of project approval. The use of anticoagulant rodenticide is prohibited. The project is conditioned requiring the applicant to provide written compliance with the Certified Unified Program Agency (CUPA) requirements.

Mitigation Measure 5: Generator Use (55.4.11(o)).

- As conditioned the project will use a generator for emergency backup only within two years of project approval. The project is conditioned requiring that noise from the generator will not exceed 50 at 100 feet or nearest edge of habitat whichever is closest.

Mitigation Measure 6: Storage of Fuel (55.4.11(p)).

- The project is conditioned that fuel shall be stored and handled in compliance with applicable state and local laws and regulations and in such a way that no spillage occurs.

Mitigation Measure 7: Performance Standards for Cultivation and Processing Activities (55.4.11(q)-(u)).

- Ongoing conditions of approval require the applicant to, pursuant to the MCRSA, Health and Safety Code Section 19322(a)(9), provide a statement declaring they are an agricultural employer as defined in the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 commencing with Section 1140) of Division 2 of the Labor Code).

- No employees are required for project operations.

Mitigation Measure 8: Humboldt Artisanal Branding Provision (55.4.15).

- The proposed project is for more than 3,000 square feet therefore this measure does not apply.

Mitigation Measure 9: Sunset Clause for applications

- The application was received on December 23, 2016, prior to the sunset of the ordinance.

Based upon this review, the following findings are supported:

**FINDINGS**

1. The proposed project will permit an existing cannabis operation and bring the operation into compliance with county and state requirements intended to adequately mitigate environmental impacts.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

**CONCLUSION**

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.